

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7781 OF 2005

Sagar Rajaram Patil Petitioner
Vs.
The Director General of Police
& Ors. . . . Respondents

Shri M.R. Suryawanshi for the Petitioner.

Shri S.R. Nargolkar, AGP, for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED: AUGUST 21, 2006

P.C:

Heard. By the present petition the petitioner is seeking direction to the respondents to reconsider his application for appointment on compassionate ground. His claim for employment on compassionate ground has been rejected as the application was not filed within five years from the date of the death of the person who was in the employment, nor within one year on completion of the age of 18 years by the petitioner. Undisputedly, the G.R. dated 11-9-1996 requires that in case the successor happens to be minor on the date of the death of the Government employee, such successor can file the application claiming employment on compassionate ground within one year on completion of the age of 18 years. As undisputedly no such application was filed within the

said period by the petitioner, merely because the petitioner was not aware of the said G.R. or the restrictions thereunder, or that he was not aware of his entitlement to claim the employment on compassionate ground till the date he applied in the matter, that cannot be a justification for issuance of the direction in the nature asked for. The question of issuance of writ of mandamus does not arise unless there is a right in favour of the petitioner and that is sought to be denied by the respondents. In the absence of any right being disclosed, question of issuance of direction does not arise and hence the petition fails and is rejected.

(Naresh H. Patil, J.)

(R.M.S.Khandeparkar, J.)

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